



Law of Property (Miscellaneous Provisions) Act 1994

1994 CHAPTER 36

PART I

IMPLIED COVENANTS FOR TITLE

The covenants

2 Right to dispose and further assurance.

- (1) If the disposition is expressed to be made with full title guarantee or with limited title guarantee there shall be implied the following covenants—
 - (a) that the person making the disposition has the right (with the concurrence of any other person conveying the property) to dispose of the property as he purports to, and
 - (b) that that person will at his own cost do all that he reasonably can to give the person to whom he disposes of the property the title he purports to give.
- (2) The latter obligation includes—
 - (a) in relation to a disposition of an interest in land the title to which is registered, doing all that he reasonably can to ensure that the person to whom the disposition is made is entitled to be registered as proprietor with at least the class of title registered immediately before the disposition; and
 - (b) in relation to a disposition of an interest in land the title to which is required to be registered by virtue of the disposition, giving all reasonable assistance fully to establish to the satisfaction of the Chief Land Registrar the right of the person to whom the disposition is made to registration as proprietor.
- (3) In the case of a disposition of an existing legal interest in land, the following presumptions apply, subject to the terms of the instrument, in ascertaining for the purposes of the covenants implied by this section what the person making the disposition purports to dispose of—

Changes to legislation: There are currently no known outstanding effects for the Law of Property (Miscellaneous Provisions) Act 1994, Section 2. (See end of Document for details)

- (a) where the title to the interest is registered, it shall be presumed that the disposition is of the whole of that interest;
- (b) where the title to the interest is not registered, then—
 - (i) if it appears from the instrument that the interest is a leasehold interest, it shall be presumed that the disposition is of the property for the unexpired portion of the term of years created by the lease; and
 - (ii) in any other case, it shall be presumed that what is disposed of is the fee simple.

Changes to legislation:

There are currently no known outstanding effects for the Law of Property (Miscellaneous Provisions) Act 1994, Section 2.